

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTIAN CAPLES,
 Petitioner,

vs.

DWIGHT NEVIN, *et al.*,
 Respondents.

2:06-cv-1094-RLH-LRL

ORDER

Before the Court is petitioner's Motion for Enlargement of Time to File a Supplement to Petitioner's Writ of Habeas Corpus (docket #41). The action was originally filed in this Court in 2006 and has previously been stayed to allow petitioner to return to state court to exhaust his various claims. The case was reopened on April 22, 2010, (docket #23) and since that time respondents have moved to dismiss various claims (docket #28), with petitioner opposing the motion, respondents replying and petitioner then filing a sur-reply. The petitioner has appear in pro se throughout.

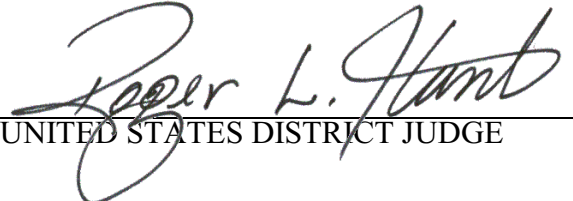
On December 27, 2010, petitioner, through newly obtained counsel, filed the instant motion for time to supplement the petition. Respondents oppose the motion (docket #42) reciting the case history and arguing there is no authority to permit supplement of the petition at this late date. The Court agrees that the motion to supplement the petition is untimely. Additionally, the Court finds that it would be an improper imposition upon the resources of the Court and the State of Nevada to permit amendment or supplement of the petition at this late date, particularly in light of *Mayles v. Felix*, 545 U.S. 644 (2005). However, the Court will permit counsel to supplement

1 petitioner's opposition/response to the now pending motion to dismiss. Thereafter, respondents will
2 be permitted an opportunity to reply to the supplement.

3 **IT IS THEREFORE ORDERED** that petitioner's Motion to Extent Time to File a
4 Supplement to Petitioner's Writ of Habeas Corpus (docket #41) is **DENIED**.

5 **IT IS FURTHER ORDERED** that petitioner shall have thirty days from entry of this
6 Order to file a supplemental response to the Motion to Dismiss filed on August 19, 2010.
7 Thereafter, respondents shall have twenty days to file a supplemental reply.

8 Dated this 6th day of January, 2011.

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12 UNITED STATES DISTRICT JUDGE
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